IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2504 OF 2007

Rakesh Jagdishchandra Turakhia
and ors. ..Applicants

Vs.

State of Maharashtra and anr. ..Respondents

Ms. Mallika Ingale for applicants.
Mr. D.R. More, APP for State.
Mr. M.M. Khokhawala for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : August 14, 2007.

P.C.:

1. Heard the learned counsel for the respective parties.

2. This is an application praying for quashing the proceeding in C.C. No.99/PW/2005 pending before the learned Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai.

3. The applicant no.1 and respondent no.2 were married on 25/5/2003 and within less than one year’s

period, on account of the marital discord, the respondent no.2 filed an F.I.R. against the applicants for the offences punishable under Sections 498-A, 406, 344, 348, 324, 323, 504 read with Section 34 of IPC with the Malad Police Station and on filing of the charge-sheet in August, 2004, it came to be registered as C.C. No.99/PW/2005 before the learned Addl. Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai. While some other cases were also pending between the parties, they decided to approach the Family Court and signed consent terms on 26/6/2007, a copy of which is brought on record. It is also admitted between the parties that based on the said consent terms the learned Judge of the Family Court was pleased to grant a decree of divorce by mutual consent on 27/6/2007 and thus the marriage between the parties has been dissolved by consent.

4. Both the parties are present before me and the respondent no.2-wife has stated that the consent terms were signed by her and she has no objection if the pending proceedings in the criminal case instituted on the basis of her complaint are quashed. The learned

counsel for the applicant has relied upon the decision in the case of B.S. Joshi and ors. vs. State of Haryana and anr. [2003 SCC (Cri) 848] in support of his prayer for quashing the proceedings.

5. Hence, the application is allowed in terms of prayer clause (ii).

(B.H. Marlapalle,J.)